

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Richard W. Wien et al.

Group Art Unit: 1724

Examiner: Peter A. Hruskoci

Confirmation No.: 4807

**USE OF DERIVATIZED
NANOPARTICLES TO
MINIMIZE GROWTH OF
MICRO-ORGANISMS IN HOT
FILLED DRINKS**

U.S. Serial No. 10/823,443

Filed: April 13, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second U.S. Patent Application Serial No. 10/936,915. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant on the second application, in the event that any patent granted on the second application: expires for failure to pay

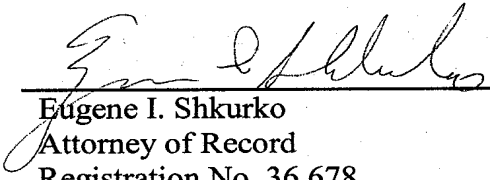
a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225.

☒ The undersigned is an attorney of record.
(If this box is *not* checked *do not* use this form)

11-30-07
Date

EIS:cvn
Telephone: (585) 253-0123
Facsimile: (585)477-4646


Eugene I. Shkurko
Attorney of Record
Registration No. 36,678

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.